10-23-1974

1974 Vol. 23 No. 2

Cleveland Marshall College of Law

Volume 23 * Number 2 * October 23, 1974

THE GAVEL

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio

"Man, after all, is a political, not a legal, animal."

-Lord Mansfield

THE CAMBRIDGE CATECHISM

BY KEN GRAHAM

Ken is a law professor at UCLA.

What is a law professor?

A law professor is a successful law student who failed as a lawyer.

Is that a nice thing to say?

It depends, not all of the qualities required to be a successful lawyer are admirable. You have to know whether someone quits the practice because he/she was too lazy or too ethical.

Why would the law school hire someone like that to teach people to be lawyers?

(a) Because they have always done it. (b) Because they can't afford to hire a successful lawyer at those salaries. (c) Because law schools do not teach people to be lawyers. (d) All of the above. (e) None of the above.

Wait a minute! If law schools are not to teach people to be lawyers, what are they for?

An obstacle to the profession. In the early 1920's the law professors got together with the ABA and agreed to require all lawyers to go to law school and to cut down the number of law schools. This has helped to reduce supply and accounts for the six figure income that lawyers feel they can demand. At the same time it eliminates law schools and holds up the professor's salary.

You're kidding?

Not at all. It's in the history books for anyone who cares to look. Of course, the whole thing is done in the name of "professional competence," whatever that is supposed to mean.

So the purpose of legal education is to discourage people from becoming lawyers?

Precisely. That is not only the function, of course. the law schools are also operated so as to insure that the people who do survive are no threat to the interests of the organized bar and their wealthy clients.

Now I've got you! Everyone knows that law students in the new generation are idealistic, bright and eager to change the world. No way you can turn them into sycophants of the establishment.

Yeah. And most people who go to Parris Island are human beings. But they come out trained killers and can't imagine what it would be like to be anything else. The law schools use the same technique Put people under stress and convince them that survival requires them to accept new

cont'd, p.6

SUBPCENA DUCES TECUM

IN, the office of the GAVEL, school of LAW, Building of CHESTER, Land of CLEVES

To.....ALL LAW STUDENTS.....

YOU and each of you are hereby directed to bring your person to above said office, in basement of above said building, and in hand carry any DOCUMENTS AND THINGS which you and each of you wish from time to time be printed.

SERVICE

This is your newspaper. Its contents largely depend on you. As you can see, anyone can write. We need contributors. In short ...

QUE PASA C-SPIRG?

BY JOHN RICHILANO

Those of us who were around last spring will remember the efforts of a few law students and a few more undergraduates to organize a Public Interest Research Group a'la Ralph Nader. The group, called C-SPIRG (read Cleveland Students Public Interest Research Group, get it?) is modeled after so-called PIRGS operating in some 25 states, and its purpose is to litigate, lobby, fact-find, and disseminate information in the areas of environmental protection, consumerism, corporate and government irresponsibility, and discrimination of various kinds. Indeed, PIRG's have proved to be one of the more virulent checks on corporate mischief our system can tolerate. Their work has been documents in various "Nader Reports," inter alia Unsafe At Any Speed (auto industry), The Monopoly Makers (regulation and competition), The Closed Enterprise System (crime in the suites), The Politics of Land (land use abuse), and The Workers (the lot thereof). Although these volumes are mere cystallizations of some of the more concerted projects, most PIRG's activities do not end once their compilations have hit the presses. PIRG's all over the country, most notably in Oregon, Minnesota, Michigan, Massachusetts, and New York, are pursuing locally scoped, day-to-day issues, as well as long-range problems.

But how do they exist, you may ask? Everyone knows there's no money in this type of "PI" litigation. True, they're no Jones, Day, (spare us!) but on the contrary, some of the more efficient PIRG's are sufficiently funded to support a full time staff of litigating lawyers, pestering lobbyists, and calculating scientists, as well as cadres of volunteer student researchers. How? The funding scheme is quite simple. On the theory that students are more socially conscious and are ever groping to find relevance in an inherently irrelevant milieu, they are assessed a nominal fee out of their quarterly or semesterly tuition. (actually, its the "student" or "general fee.") Although this extra fee must be paid in addition to all other fees at registration time, it is the only one that is refundable to any student

cont'd p.5

WATERGATE AS AN INSTRUCTIONAL MODEL

BY BERNARD THOMAS

The most effective means through which any given institution of government may continue in existence is by rigorous adherence to the principles on which it was established. To act contrary to the will of the governed causes disrespect for the institution and fosters the development of ideas incompatible to its continued well-being.

If this is so, how, then, does a system, which holds as one of the cornerstones of its existence the proposition that all men are equal under the law, maintain its effectiveness when it continually acts in such a way as to cause prudent men to question whether or not there is in fact an equal application of the law irrespective or relative power and social status? The events of the last several months, particularly as they relate to those acts of the previous national administration which have become known to the general public as "Watergate" and the special type of justice which those involved are receiving, require that an inquiry be made so that an answer to that question may be advanced.

The Watergate affair is perhaps the best model available for our inquiry because it involves wrongdoing at the very highest levels of government and the resulting widespread publicity has allowed ordinary citizens the closest view they have ever had--and are likely to get again --of the administration of justice in our society. The average American, as opposed to members of minority groups who have more contact with the system, has a high regard for the administration of justice.

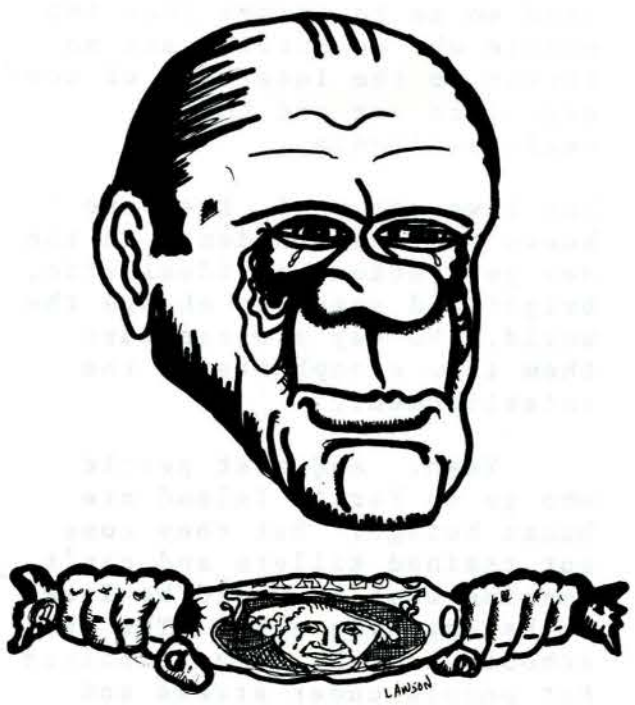
It is felt that the primary reasons for this general confidence lie in the fact that: (1) there exists a basic respect for the judiciary; (2) most Americans never come in contact with the criminal justice system; (3) as long as the system had no direct effect on our lives we did not concern ourselves with what it was doing to other groups; and (4) public scrutiny of the system has been almost nonexistent. Therefore, when a case arises where there is ample reason to believe that a criminal defendant has been treated leniently because of this power and/or position it is viewed by the public at large as an aberration. In addition, there are examples which may be pointed to of the poor and the powerless receiving leniency. While this is true it should be noted that the degree of leniency according to those of low socio-economic status groups is minuscule.

The handling of the Watergate prosecutions has shown the nation that the influential do receive gentler handling by our courts than does the ordinary citizen. With this knowledge has come dismay and disgust. Everywhere people may be heard to say that this must never happen again. Hopefully a consensus will form which will translate itself into genuine reform.

As a general rule Americans have been very unsophisticated about their political system. The activism of the last two decades which included the push for greater civil liberties, civil rights, and the anti-Vietnam war protest indicate that this is no longer the case. With this greater political awareness has come the necessity that the government more scrupulously safeguard the concept of equality under the law. A failure to do so would cause the people to question the effectiveness and fairness of their government.

It appears to this writer that the key to the present attitude of the people may be traced directly to the widespread dissemination of information about this (Watergate) issue. Where there is no dissemination of information there can be no informed citizentry to make the crucial judgment as to whether or not the government is acting responsible.

The exposure of Watergate by the news media was unpleasant but necessary. It has served to further educate the people to inadequacies in the system. This should serve to speed needed reforms.



MOOT COURT BRIEFS

BY DAVID SCHRAGER

In athletics the old adage has it that a team is only as strong as the individuals it is comprised of. Similarly, this truism applies to teams in the scholastic world. This being so, the diligent achievements of the Moot Court members portends 1974-1975 to be a most successful year. A prime example of such dedication was the Fall Orientation Exercise on October 1, 1974.

This year as part of the general orientation program for first year law students, a sample advocacy exercise was included. Entitled Marco Rickle v. University of Washburn, this hypothetical case was primarily based on the factual data of Defunis, a recent United States Supreme Court decision. Marco Rickle denied admission to the University of Washburn Law School, contended that minorities with lower qualifications were admitted. At issue was whether or not reverse discrimination in the form of affirmative action has a constitutional basis. Professor Douglas and Stephen Mitchell, a second year student, contended that in the light of prior segregationist inequities, minority preferential programs have a constitutional basis. Professor Flaherty and Robbi Hamilton, a third year night student advocated that preferential treatment for minorities is reverse discrimination and as such is violative of the Equal Protection provisions of the 14th Ammendment. Incisively questioning each advocate so as to check their logic and legal reasoning, were judges Leo Sharpe, "Sonny Katz" and Vince Alfera.

First year student response although mixed, was in the main positive. One student explained that the Fall Exercise helped him "realize the skills a lawyer needs." Others found the terminology and procedures informative. Still others found the orientation exercise helpful in comparing themselves to the caliber of the participating advocate. Whatever the reason, most first year students found the exercise interesting and enjoyable.

The two principal architects of this successful program are Pat Blackman and Una

cont'd. p. 2

MOOT COURT

Keenan. During the summer these two Moot Court members spent a great deal of time helping to construct the problem as well as organizing the exercise itself. Pat as chairperson researched the Rickle brief and presented this program to Dean Christensen. Una, in addition to working on the problem was largely responsible for the reproduction of all associated material.

Unquestionably, the Fall Orientation Exercise helped Moot Court begin the new school year on a positive note In the subsequent weeks Moot Court has become engaged in several other activities. The National Moot Court Team has been actively practicing for the last several weeks. Second year Moot Court members will be beginning the Fall competition in the last week of October.

Although much of our time and energy in Moot Court is devoted to inter-scholastic advocacy competition, our primary aim is to aid the beginning law student in acquiring the skills of advocacy. The Moot Court office is open to all law students. Pat Blackman summarized it best when she said "First year students in brief writing enter oral advocacy without any previous experience. We hope that Moot Court can be a teaching experience to help law students attain these skills."

GUILD-ELECTRONIC SURVEILLANCE PROJECT

BY RICH MUSAT

Criminal Practitioners interested in raising issues of electronic-surveillance and learning how to do it, are encouraged to attend an educational seminar conducted by representatives of the National Lawyers Guild Electronic Surveillance Project.

The presentation will take place on Tuesday, November 5, 1974 at 1:00. It is anticipated that the seminar will last at least five hours. The location of the presentation will be on the campus of Cleveland State University in the new University Center, Room No. 6. The fee for members of the practicing bar will be $10.00, which will include the price of a detailed outline of the Law of Electronic Surveillance. Meals can be purchased in the cafeteria located on the 2nd floor of University Center.

The seminar will cover Electronic-Surveillance law in both criminal and civil areas. Among the subjects included are (1) discovery of the fact of electronic surveillance (and the adequacy of governmental denials); (2) Questions of surveillance legality, on statutory or national security grounds; and, (3) Proving "taint" of unlawful surveillance to a pending prosecution.

THE GAVEL

JOHN RICHILANO, EXECUTIVE EDITOR
BRUCE ROSE, EDITOR-IN-CHIEF
TOM BUCKLEY, FACULTY ADVISOR
RICH MUSAT, EDITOR EMERITUS
ARNIE FINKLESTEIN, PHOTOGRAPHY
JOHN LAWSON, GRAPHICS
SANDY EDELMAN, STAFF
CHERIE KIEFFER, STAFF

The views expressed herein are those of the newspaper or its by-lined reporters and contributors, and do not necessarily reflect the views of the student body, administration, faculty, or anyone at The College of Law or The Cleveland State University unless specifically stated.

THE GAVEL, COLLEGE OF LAW, CLEVELAND STATE UNIVERSITY, CLEVELAND, OHIO 44115 687-2340

Recognizing the inherent Ham in all of us and appreciating the role of EGO in law school, the GAVEL would like to take photographs of any byliners who want them to accompany their articles. We also know a good source for 8 X 10 glossies of exciting and libertarian typing positions, the way you like them! But please, no sickies.

According to the Constitution of the GAVEL, one becomes a STAFF member after contributing more than one article to the newspaper. Immeasurable benefits, rights, and privileges accrue to staff members. So if you fell like being one, just write more than one article, i.e. 1-1/2, 1-1/3, 1-1/4, 1-1/6, 1-1/8, 1-1/16...

THE ROLE OF THE RADICAL LAWYER AND RADICAL PROFESSOR OF LAW: SOME REFLECTIONS

BY ARTHUR KINOY

[Arthur is a professor of constitutional law at Rutgers Law School and a member of the New York Center for Constitutional Rights and currently is National Vice President of the Lawyers Guild. He has argued before the U.S. Supreme Court some of the most important constitutional cases in recent years including U.S. v. U.S. District Court, Dombrowski v. Pfister, and Powell v. McCormick. This article first appeared in the Autumn 1970 issue of Liberation is perhaps even more pertinent today in light of the Watergate revelations.]

I have been referred to by the establishment press as a radical professor of law. This has occasioned sharp inquiries from both my academic colleagues on the one hand and my friends in the people's movements on the other, as to whether I am comfortable with the characterization. At the heart of each inquiry is an unspoken challenge. As a radical teacher of law. am I not caught in an impossible dilemma? Am I not torn by what appears to be an irreconcilable conflict between the objectives of a radical commitment to a society founded on the common good - in which the exploitation of man by man and woman by man is forever eliminated, a society in which war and poverty and racism are dim memories of a barbaric past - and the harsh realities of a profession in which I function as a teacher and lawyer - a profession which is an integral part of a mechanism which is used by the dominant class groups in society to maintain ruling class power, property, and class rule? (1)

My colleagues in academia press me least. To some of them unhappily, an adjustment to the gap between ideals and the reality of the legal system has become a way of life. But to my colleagues in struggle, and particularly to those who have newly come to the battle, the questions are often more pressing. It is not a total contradiction to be a radical teacher of law, a radical lawyer - a contradiction which can only be resolved by exculpatory proclamations that "law is illegal" or hortatory pronunciamentos that the "only struggle is in the streets?"

To these earnest and deeply troubled lawyers I have but one reply. Yes, the radical teacher of law, the radical lawyer, lives, functions, struggles, in the midst of contradictions; his or her life is itself a contradiction. But this should be no shock, no surprise. Every radical who has honestly attempted to study society, as one great student of society once remarked, not for the purpose of understanding it but for the purpose of changing it, knows that "there is nothing that does not contain contradiction; without contradiction there would be no world." (2)

It should not disturb us to discover that the role of a radical teacher of law, or a radical lawyer, plays itself out within the framework of a vast contradiction - is itself a contradiction. One of the most honored teachers of all contemporary radicals, Friedrich Engels, wrote over a hundred years ago that "life consists just precisely in this - that a living thing is at each moment itself and yet something else. Life is therefore also a contradiction which is present in things and processes themselves, and which constantly asserts and solves itself; and as soon as the contradiction ceases, life too comes to an end, and death steps in." (3)

Let me be very blunt. The role of the radical in the law is the same as the role of the radical in any arena of life. It is to study in depth and in precision the particularity of the contradictions he or she operates within in order to understand how best to participate in resolution of these contradictions in a forward motion; in a manner which assists in the resolution of the principal contradiction of society in the direction of the emergence of a new society free from the oppression, the brutality, the frustration and despair of the old. Such a study requires first of all an examination of the contradictions within the institutions in which we operate as lawyers and teachers, as they exist today not yesterday or fifty

cont'd. p. 5

THEATRE

BY AL. S.B. TOKELESS

"Alice" at the Palace Theater is another of J.J. Garry's fun production. Alice is played by Yolande Bevan who is continually bright-eyed and enthusiastic. The range of her voice and distinct character inflections lend believability and excitement to her changes and discoveries in Wonderland. The rest of the cast is also outstandingly alive and enthusiastic. They combine an excellent comic sense, consistent characterizations, and five singing voices. Two of the cast who may be familiar to CSU students are John Stary and Tim Tavcar.

Basically the story of "Alice" is Lewis Carroll's Alice in Wonderland, in fact some of the lyrics are actually taken from the text. While there are some philosophical messages, the idea is fun and childhood and is a performance that is both enjoyable and creates joy in the audience.

ACLU NEWS

The American Civil Liberties Union of Greater Cleveland has secured the dismissal of a one million dollar defamation action in Common Pleas Court here against William Jerse, a free lance cartoonist and independent candidate for Euclid City Council.

The complaint was brought by Carl Milstein of 3000 Bremerton Road, Cleveland and charged that Jerse had libelled him by distributing a flyer and cartoon at and around a Euclid City Council meeting in September of 1972.

The items concerned special legislation in which Milstein had an interest. The flyer suggested in substance that further construction of high rise apartments would not benefit Euclid. The cartoon showed "Milstein the Expert Sword Thrower" throwing knives labelled "Unwanted High Rises," "Broken Promises," "Massive Dumping in Lake," "113,000 Tax Cut for Americana," and "Variance Demands," at his unwilling target, the City of Euclid. The caption read, "I don't know why you continually complain! I haven't killed you . . . YET!!!"

ACLU cooperating attorney Benjamin Sheerer argued that Jerse's statements concerned a public figure and therefore were protected by the First Amendment freedom of press and speech because they were neither false nor malicious. Sheerer stated that "the foundation of a sound and healthy republic is an informed and free-speaking citizenry. It is the public's right to be informed and the individual's right to speak which limits redress in a private libel action."

The suit was dismissed by an order entered by Judge James P. Kilbane when it became apparent that Milstein would be unable to proceed to make out a case at trial.

For Further Information: Gordon J. Beggs, ACLU Executive Director 781-6276.

years ago. It requires an examination of the particularity of the contradictions in these institutions in this country at this moment. We cannot be content with analyses which rest upon examination of the particularity of legal institutions or ideologies of, for example, Czarist Russia, or industrial Britain in the 19th century, or imperialist exploited countries of Latin America in the 20th century. As a well-known teacher of the science of the laws of motion of society once wrote:

Processes, change, old processes and old contradictions disappear, new processes and new contradictions emerge, and the methods of resolving contradictions differ accordingly. In Russia the contradictions resolved by the February Revolution and the October Revolution, respectively, as well as the methods used to resolve them were basically different. The use of different methods to resolve different contradictions is a principle which Marxist-Leninists must strictly observe. The dogmatists do not observe this principle. They do not understand the difference between the various revolutionary situations, and consequently do not understand that different methods should be used to resolve different contradictions; instead they uniformly adopt a formula which they fancy to be unalterable and inflexibly apply it everywhere. Thsi can only bring setbacks to the revolution or make a great mess of what originally could have been done well. (4)

Unless our examination of the institutions within which we operate proceeds upon the basis of a "concrete analysis of concrete conditions" (5) as they exist today in this country, at this moment in our history, we will continue to be subject to a rash of analyses about the role of radical lawyers which are essentially one-sided and based upon sweeping generalizations about the oppressive nature of the legal superstructure which radicals, Marxist and non-Marxist alike, have written about and polemicized against for many years. A number of radicals have recently clearly recognized the truth. which has been apparent for many years to most blacks in this country as well as to large numbers of working people that the instrumentalities of justice provide justice only for the rich and powerful. This has encouraged useful and helpful probing into the class nature of the system of justice. But this exposure cannot by itself substitute for a fully rounded definition of the role of a radical lawyer or teacher of law at this precise moment in our history. Blacks, browns and working people, the oppressed sections of society, who daily live with the clubs of the police and the callousness of the courts rarely need lessons in the demystification of the institutions of justice. Their crying need is quite different: what course of conduct will result in a favorable resolution of the fundamental contradiction of the society they live in, a resolution which will once and for all eliminate the oppressive role of present institutions of justice, and class rule itself.

[In Part II, Kinoy lays the historic framework of fascism in America, sees SEVEN DAYS IN MAY as a reality, the fate of the American ruling class, and their effect on our institutionalized system of justice.]

A brother in the second year class is negotiating law school without the benefit of sight. He needs the services of a reader from 7:00 p.m. to 10:00 p.m. every nite. Renumeration: $1/hr, plus the benefit of a unique experience. Interested?

Call: 451-0242 or
CSU ext. 2027

ALL CSU LAW STUDENTS

CORDIALLY INVITED

SATURDAY, OCTOBER 26, 1974

ROOM 364

1:30 - 5:00 P.M.

UNIVERSITY CENTER

NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS
"NORML"

MEETING, SEMINAR AND EDUCATION

ABOUT

OHIO MARIJUANA LAWS

who does not wish to participate, the refund being disbursed at designated times and places a few weeks later. Experience has shown that support exceeds 90% where this scheme has been employed, and on this basis a school the size of CSU can sustain a full-time staff of Public Interest advocates who feel secure in their jobs and removed from political or economic reprisal. They only have to answer to the students, who in the end govern the purse strings. Steering will be done by an all-student Borad of Directors, but to prevent alienating anyone, an auxiliary board composed of faculty and members of the community will be provided for is Students who at this point are becoming suspicious of C-SPIRG as being another exploitation scheme, a swindle, contrary to our cherished Democratic ways, "Pinko," (all of which characterized the invective of the few faculty opposers to C-SPIRG) will note that it relies on student participation in every sense. It is essential to its functioning that the student body be tapped as an energetic source of involvement.

Well, this was C-SPIRG as it was envisioned by its organizers (Paul Hudson, Ed Heben, Bob Handelman--Law; Marie Fasko, Bob Bounds, Gary Eby,--Undergrad, to name a few) last Spring. But when concept began transforming to reality, quite a different scenario developed. Many obstacles, both legal and political, were encountered in its nascent stages. What first needed to be done was to obtain the initial support of the majority of the students' support to at least get C-SPIRG's foot in the door of the Board of Trustee's chambers (read politics, influence, monied interests.) This was done by way of a petition drive which yielded just under 50% of the total student body. Simultaneously, endorsements were proffered to many faculty members, both undergraduate and graduate, and overwhelming support on this front seemed to be indicated. Then the administrative ladder had to be climbed. Along the way it was learned that the school's legal counsel, Squires, Sanders & Dempsey (read: same as Board of T above) will be asked for an unfavorable legal opinion on the propriety of Having CSU involved in collecting fees. While this was still in the works, C-SPIRG was added, removed and then added again to two faculty council agendas. With summer break approaching, the ever important favor of timing was of urgent significance. After a few more expected administrative hassles, C-SPIRG finally found itself before the Board of Trustees. A Citizen Action Group (Nader's Group) Attorney, Mike Berman, flew in from Washington for the meeting, only to find the Board table the whole matter, and recommend a special ad hoc committee on C-SPIRG.

values. They eat up the official ideology like a starving man does a steak.

The law professor is like the Marine Corps drill instructor?

Yep. You either end up loving him or you quit.

Why is that?

Most students are bright enough to realize that the qualities they detest in the faculty are exactly those qualities that are essential to being a successful lawyer and they want to be successful lawyers. Or if they don't, they drop out.

That's not a very flattering picture. What kind of person would want to be a law professor?

A sadist. A fool. A desperate person with an immense capacity for self-delusion. A person who thinks the law school is the fulcrum to which the lever of humanity can be applied. Nuts and kooks.

How does one get to be a law professor?

No one is drafted, so the most important element is self-selection. But once you think the job appeals to you, you have to be approved by the faculty. It's like any other job interview -- they look for people just like themselves, using the same techniques. And, except for an occasional mistake, they succeed. So far as matters of any importance are concerned, if you have seen one law professor, you have seen them all.

Isn't that an exaggeration?

Not much. I once taught at a law school with a great reputation. I began to notice that events of current interest were never discussed until at least 48 hours after they took place. I finally figured out that it took that long for the New York Times to arrive so that the faculty knew what they were supposed to think.

OK, so politically they are all knee-jerk liberals. I don't see how that has anything to do with how they teach law?

You misunderstand me. Their political views are considerably more divergent than their notions of the law. To be a faculty member, you have to be an adherent of the Harvard Theology.

What is that?

The dogma that was set forth at Harvard in the 1870's and has been worshipped at all other law schools since. I can't state the whole thing here, but it starts out with the assumption that the purpose of the law is to protect the rich. It rejects the right half of the human brain, which controls non-linear thought, that the only kind of rationality is found in the left lobe. It believes that the law should be complex and expensive, that lawyers should be rich and that anything that leads to a contrary conclusion is illogical.

I don't believe you.

Look for yourself. The classes you take in the first year are the same courses that were offered at Harvard 100 years ago. They will be taught in the same way by the same kind of people. Everyone of those courses is designed to turn out corporation lawyers. In every course the same lawyers and the same judges will be held up as models -- Holmes, Frankfurter, Acheson, Story, Webster. You will never hear of Rantoul, Dorr or Darrow -- even Brandeis is treated with condescension.

cont'd. p. 7

ODE ON INTIMATIONS OF BECOMING A LAWYER, PART I

A lawyer is --

A of rights &
merchant remedies

A champion of values
middleclass

A giver of meaning to words
meaningless

A
charlatan

An
opportunist

A true of the
capitalist human
condition

who exacts a for
price

something
priceless

The most mime
complicated

On the most stage
animated

In the most theatre
absurd

A unto the ignorant
savior

unto him/herself, if he/she
be
so
deluded.

MONTEGEAU BEEFEYE

Timing was grimly changing sides. At a final faculty council meeting, the faculty support that was assured before simply dissipated with the ironic result that only faculty opposition was voiced, most notably by Prof. Buckley of the Law school, while student voices were squelched. In the meantime, the SS&D legal opinion presented an apparent fate accompli. It basically stated that the proposed funding mechanism of C-SPIRG was not consonant with the duties of the Trustees of a state university as defined in ORC 3344.03 and 3345.05. The rationale was that any funds taken in by the university must be expended towards the "well being of the communal body" or "promoting the purpose of education." Somehow, it was deemed in the University's best interest not to have C-SPIRG around, dealing with such issues endemic to "community well being" as race and age discrimination in the jury system, inadequate and overpriced health care delivery, the quality of Lake Erie, or consumer rip-offs of all kinds.

C-SPIRG's own legal research saw the law in a considerably different light. Nowhere was found any precedent, statutory or decisional, to the effect that the University would be out of line if it agreed to collect funds for C-SPIRG. Further, simple "majority rule" policy, which pervades our present political system, would rejoin any argument that the proposed collection scheme violates the rights of those who wish to oppose C-SPIRG. Does the voter whose candidate lost the last election have as equitable a recourse as the student who wants his $1.50 back? Obviously not. The Trustee's reticence to lend an ear seems to sound more in politics and don't-rock-the-boatmanship than in a legal or administrative mandate.

Since then, the long hot summer has anesthetized the momentum that C-SPIRG built up in May. It has also claimed the core of its coordinators. Pual Hudson, now a C-M graduate, is now directing a PIRG in New York. Ed Heben, a 3rd year law student, has a full-time job plus school to negotiate. This writer was on the periphery last year, but also has other commitments this year. In short, somebody has to carry the ball. C-SPIRG over the summer and at present is involved in examining the voting records and rationales of Ohio Congressmen and Senators on th proposed consumer Protection Act, which passed overwhelmingly in the House but is now being emasculated in the Senate. It has established alliances with Ralph Nader's PUBLIC CITIZEN, INC.; CONGRESSIONAL WATCH;, & CITIZEN ACTION GROUP, Washington, D.C. Locally, it

CATECHISM

Listen to the way in which the professor responds to student answers to his questions, what he accepts and what he does not. An answer that suggests that the result in a particular case is "unfair" will be attacked. "What do you mean by that?" "How do you know?" But if you say that the decision is illogical or leads to economic disaster or is inconsistent with some other case, you are encouraged in your analysis.

Tell you what. First case you are called on to discuss, when he asks why the case was decided that way, tell him the judge was paid off. Now you will have no more evidence of that than he does for his version, but notice where he puts the burden of proof.

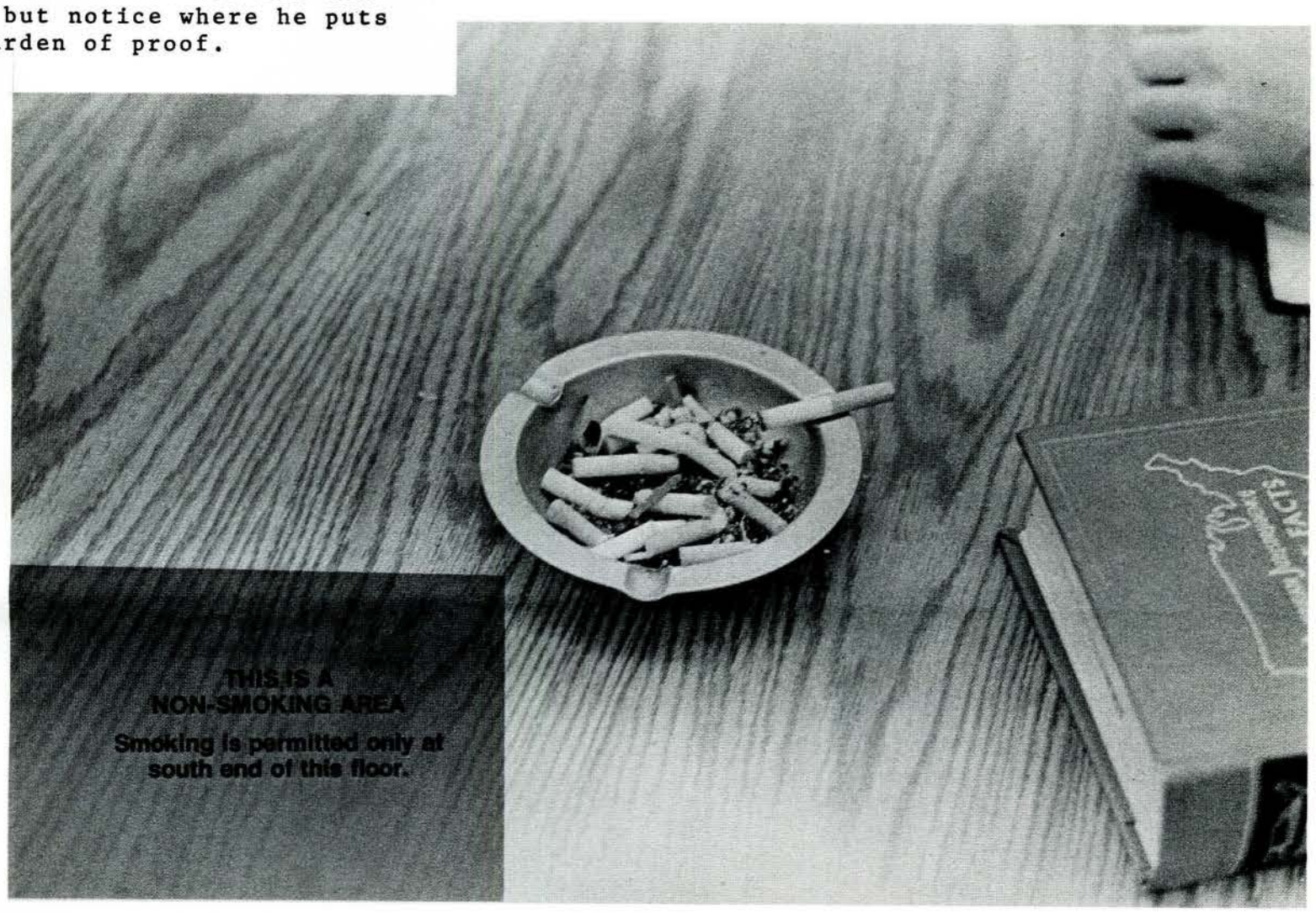
Well, then, how do you explain the wide-spread notion that law professors are great teachers?

That's not too difficult. In the first place, self-interest compels a lot of people to perpetuate that myth. Law professors get paid more than other university teachers. To justify the larger salary, you have to have larger classes. To justify the larger classes, you have to say that the quality of the education is not diluted because the guy in the front of the room is a Superteacher.

C-SPIRG

has worked with Cleveland Citizen Action Group, and Bait and Switch, a consumer information newsletter. It has an office in the basement of the Chester Bldg. waiting to be used. The roots and the tools are there. C-SPIRG's fate hangs on the dubious prospect that new people will develop an interest and have the time and energy to follow it through.

If anyone is interested, please contact Ed Heben at 694-2116 (work) or 932-5447 (home), or John Richilano in the GAVEL office, 687-2340.



Notice as well, the respect shown the various institutions of government. The Supreme Court. Hurrah! The American Bar Association. Hurrah! The Jury. Boo. The state legislature. Hiss! Rehnquist, Si, Douglas, No.

We'll see. But you have to agree that law school teaching methods are better than in other graduate schools.

How would I know? I have never seen any other method. I have never taken any courses in educational psychology, never been taught how to teach or how to evaluate teaching, it has been years since I was a student. I know of no evidence that the Sarcastic Method is any better than any other technique and can think of a lot of reasons why it might be counterproductive.

Since no one knows what good teaching is, the claim is irrefutable.

Don't the students know?

Maybe. You couldn't prove it by me. The student may be aware that he or she learns more in one class than another, but I am not sure he or she can testify that is because of something called "teaching." Keep in mind that for many students this is the first time they have ever studied something in which they were deeply interested, in which they were motivated not only by the grade but by the spectre that if they did not learn the material they would at some time in the future appear the fool in some public forum. It would not be surprising that the student should see this educational experience as vastly different than any he or she has had before.